

Judge Hellerstein

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
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DATE FILED: OCT 24 2007

UNITED STATES OF AMERICA

INDICTMENT

- v. -

07 Cr.

CHARLES LACY-THOMPSON,

07 CRIM 988

Defendant.

X

COUNT ONE

(Criminal Copyright Infringement)

The Grand Jury charges:

Background

1. At all times relevant to this Indictment, Cisco Systems, Inc. ("Cisco"), was a California corporation and a major manufacturer and developer of computer networking equipment. Among the computer networking equipment Cisco manufactures or develops are routers, which are devices that route computer communications between computers linked in a network or between networks. Cisco also manufactures or develops transceivers used to transmit and receive data across networks.

2. At all times relevant to this Indictment, Cisco had registered certain trademarks on the principal register with the United States Patent and Trademark Office, including a graphic depiction of a bridge with the words "Cisco Systems"

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printed above it.

3. From at least in or about 2003 through at least on or about August 16, 2007, CHARLES LACY-THOMPSON, the defendant, was engaged in the wholesale business of importing and selling computer equipment. LACY-THOMPSON carried on this business through his company, Coletronic Computer Inc. ("Coletronic"), which conducted business from offices located at 100 Executive Blvd., Suite 102, Ossining, New York. Coletronic was engaged in (among other things) importing into the United States computer equipment, including transceivers and transceiver modules, which Coletronic then sold to buyers in the United States and Europe.

The Scheme

4. From at least in or about 2003 through at least on or about August 16, 2007, CHARLES LACY-THOMPSON, the defendant, engaged in a scheme to transport and transfer computer equipment and computer equipment packaging bearing counterfeit marks of Cisco. Specifically, LACY-THOMPSON imported from China generic items that resembled Cisco transceivers, as well as packages of white stickers bearing the model number of Cisco transceivers, which were sized so that they could be affixed to the transceivers. LACY-THOMPSON, and others, would then market and sell the generic computer equipment as "Cisco" products.

5. As a part of the scheme, in or about August 2007, CHARLES LACY-THOMPSON, the defendant, caused approximately 4050

cardboard boxes to be shipped from "Mitchel-Lincoln Packaging" in Canada to Coletronic's offices in Ossining, New York. The boxes were described by the shipper as "Corrugated Boxes" and "Empty Corrugated Cartons," and bore counterfeit Cisco marks in several locations.

6. As a further part of the scheme, in or about August 2007, CHARLES LACY-THOMPSON, the defendant, caused approximately 300 transceivers to be shipped from "Advanced Module International" in China to Coletronic's offices in Ossining, New York. These items resembled Cisco transceivers, but were generic - i.e., they did not bear any brand-names or trademarks. They were accompanied by a package of white stickers that bore the model number for Cisco transceivers, and were sized so that they could be affixed to the generic transceivers.

Statutory Allegations

7. From at least in or about 2003 through at least on or about August 16, 2007, in the Southern District of New York and elsewhere, CHARLES LACY-THOMPSON, the defendant, and others known and unknown to the Grand Jury, unlawfully, willfully, knowingly and intentionally did traffic and attempt to traffic in goods and services and knowingly used a counterfeit mark on and in connection with such goods and services, to wit, LACY-THOMPSON knowingly transported and transferred computer equipment and computer equipment packaging bearing counterfeit marks of Cisco

Systems, Inc.

(Title 18, United States Code, Sections 2320(a) and 2.)

FORFEITURE ALLEGATION

8. As a result of committing the counterfeiting offense, in violation of Sections 2320(a) and 2 of Title 18, United States Code, alleged in Count One of this Indictment, CHARLES LACY-THOMPSON, the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. § 2320, any and all property constituting or derived from any proceeds obtained, directly or indirectly, as a result of the offense, any and all property used, or intended to be used, in any manner or part, to commit, facilitate, aid, or abet the commission of the offense, and any and all property that bears or consists of a counterfeit mark used in committing the offense, including but not limited to the following:

a. A sum of money equal to at least \$4,000,000 in United States currency, representing the amount of proceeds obtained as a result of the counterfeiting offense alleged in Count One of the Indictment.

b. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 701 Crandon Blvd, Unit 201, Key Biscayne, Florida 3316.

Substitute Asset Provision

9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

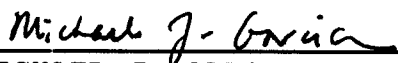
(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 2320 and 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 2320;
Title 21, United States Code, Section 853)


FOREPERSON


MICHAEL J. GARCIA MAA
United States Attorney

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

CHARLES LACY-THOMPSON

Defendant

INFORMATION

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